



OFFICE OF THE WASHINGTON COUNTY ATTORNEY

ERIC CLARKE | WASHINGTON COUNTY ATTORNEY

TELEPHONE: 435-301-7100

33 NORTH 100 WEST | SUITE 200 | ST. GEORGE, UTAH 84770

WWW.WASHCO.UTAH.GOV/DEPARTMENTS/ATTORNEY

August 6, 2024

**PRESS RELEASE: Washington County Sues the United States over
Faulty Biological Analysis for the Northern Corridor**

SAINT GEORGE, UTAH – Today the Washington County Commission and County Attorney Eric Clarke filed a lawsuit against the U.S. Bureau of Land Management (“BLM”) and the U.S. Fish and Wildlife Service (“FWS”). The lawsuit alleges that the agencies improperly started and completed a biological analysis that effectively revoked approval of the Northern Corridor, which is a portion of the Washington Parkway, a regional transportation route in Washington County. The BLM and FWS previously approved the Northern Corridor in 2021.

Clarke explained, “In March, FWS withdrew its analysis that concluded the expansion of the Red Cliffs Desert Reserve fully offset the Northern Corridor’s impacts to the Mojave desert tortoise recovery efforts. They ignored the regulatory triggers that would allow for the reconsideration, and instead stated that the only justification for the reconsideration was a back-room deal with environmental groups.”

The lawsuit further alleges that FWS violated Section 10 of the Endangered Species Act and the FWS’s “No Surprises” Rule. The purpose of the No Surprises Rule is to provide assurances that once a permittee, such as Washington County, has finalized a Habitat Conservation Plan (HCP) with FWS, FWS will not require additional conservation measures without the permittee’s consent. “The U.S. Fish and Wildlife Service is breaking its own rule,” said County Commissioner Victor Iverson. “They are requiring us to continue spending taxpayer resources even though they revoked the biological opinion that triggered the expenditures in our HCP.”

“The federal government approved this road and Washington County, relying on that approval, spent several years and \$6 million in taxpayer funds to meet extensive environmental requirements,” Washington County Commissioner Adam Snow stated. “The Biden Administration’s attempt to now revoke that approval is not only unlawful, but is also a slap in the face to our county’s citizens. We refuse to stand idly by. There needs to be legal consequences. That’s why we have filed this lawsuit.” The Utah Department of Transportation has also spent over \$8.5 million in state funds on the Northern Corridor.

In addition to the large financial repercussions, overturning the prior decision to approve the Northern Corridor will risk the protected status of Zone 6 of the Red Cliffs Desert Reserve. This area west of Bloomington and south of Santa Clara was added to the Reserve as part of the HCP’s response to the 2021 Northern Corridor approval. Almost half of Zone 6 is owned by the State Institutional Trust Lands Administration (SITLA). “Much of this land will be sold for development if the prior plan’s approval is undone, leading to permanent habitat destruction, and ultimately the decimation of hundreds of desert tortoises and thousands of endangered dwarf bear-poppy plants,” Washington County Commissioner Gil Almquist warned.

“Another concern is that we will no longer be able to intensively manage this beloved area, including by using law enforcement patrols and fencing maintenance,” states Washington County HCP Administrator



OFFICE OF THE WASHINGTON COUNTY ATTORNEY

ERIC CLARKE | WASHINGTON COUNTY ATTORNEY

TELEPHONE: 435-301-7100

33 NORTH 100 WEST | SUITE 200 | ST. GEORGE, UTAH 84770

WWW.WASHCO.UTAH.GOV/DEPARTMENTS/ATTORNEY

Cameron Rognan. “The consequences would include increased impacts from recreational vehicles, garbage dumping, and target shooters. This would be a tragedy for our community.”

Clarke concludes, “Washington County has successfully worked with BLM and FWS to protect the tortoise population for decades. Through this unique partnership, our area has been able to develop economically while simultaneously rehabilitating the tortoises and preserving open spaces for tortoise habitat. The BLM and the FWS’s actions have damaged our longstanding trust and jeopardized future cooperation.”

The lawsuit seeks a judicial declaration that BLM and FWS improperly reinitiated consultation for the Northern Corridor, and the resulting amended biological opinion is illegal and invalid.

A copy of the Complaint is attached.

Media Contact

Courtney Sinagra

Public Information Officer and Deputy County Attorney

Washington County Attorney’s Office

(435) 301-7100

courtney.sinagra@washco.utah.gov